527 CHULA VISTA



BUILDING AND STANDARDS BOARD AGENDA ITEM #5 FOR WEDNESDAY, MARCH 27, 2013

ENVIRONMENTAL SERVICES DEPARTMENT CODE COMPLIANCE DIVISION

MEMORANDUM March 21, 2013

TO: The Honorable Chairman and Board Members

THROUGH: Karl Rimkus, Interim Division Manager, Code Compliance Department

FROM: Tom Maguire, C.B.O., Deputy Building Official

SUBJECT: 527 Chula Vista Street, El Paso, Texas, 79915-3002

The following is a brief chronology of the investigation of the referenced location:

- 1) First investigated on or about November 19, 2012 and again on March 13, 2013. The structures were found to be in an advanced state of disrepair. The main structure was built as a single family dwelling on or about 1941. The main and rear structures are constructed of adobe with a stucco veneer and a wood framed roof system. The garage, the accessory structure, and the rear dwelling structure were found to be open and accessible for use by unwanted persons. The exterior of the main structure shows signs of disrepair but it is secured against entry. The property is full of weeds, trash and debris.
- 2) A certified condemnation letter was mailed to Pablo Zubia.
- 3) Certified notices of the public hearing scheduled for March 27, 2013, were mailed to the owners and all interested parties on March 7, 2013.
- 4) As of February 8, 2013, \$1,011.87 is owed in taxes

The owner has been notified of the property violations at this property, to date there has been no response or corrective action taken, and therefore the Department recommends that it be found:

- 1) That all the structures be condemned as substandard, and unfit for habitation or use and as hazards to the public health, safety, and welfare; and
- 2) That the structures are not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- 3) That the structure's certificate of occupancy be revoked; and
- 4) That the main structure be secured and maintained secure within thirty (30) days; and
- 5) That the garage, the accessory structure, and the rear dwelling structure be demolished within thirty (30) days; and
- 6) That the premises be cleaned of all weeds, trash, and debris within thirty (30) days and maintained clean thereafter; and
- 7) That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

Code Compliance Division December 19, 2012

NOTICE OF VIOLATION

Zubia Pablo 527 Chula Vista St. El Paso, Texas 79915-3002

> Re: 527 Chula Vista St. Blk: 3 Linda Vista Gardens Lot: 10 (17600.00 SQ FT) Zoned: R3 ENEC12-00895 Mail Receipt #: 7199 9991 7030 7652 1485

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.50, Property Maintenance Code, which states:

18.50.108.1 General.

When a structure or equipment is found by the Director to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure or equipment shall be condemned pursuant to the provisions of Chapter 2.38 of this code.

The El Paso Municipal Code Chapter 18.50 International Property Maintenance Code defines unsafe structure as follows:

18.50.108.1.1 Unsafe Structures.

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

18.50.108.1.2 Unsafe Equipment

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

18.50.108.1.3 Structure Unfit for Human Occupancy.

A structure is unfit for human occupancy whenever the Director finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth or contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public

The structure located at **527 Chula Vista St., El Paso, Texas 79915-3002** is in violation of the requirements found in the following sections of the 2003 International Property Maintenance Code as adopted in the El Paso City Code, Chapter 18.50, Property Maintenance Code:

- a. All exterior property, accessory structures and premises shall be maintained in a clean, safe and sanitary condition, All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. [Sec. 302.1, 302.2, 302.3, 302.4, 302.5, 302.6, 302.7, 302.8, 302.9]
- b. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. [Sec. 304.1, 304.1.1 conditions 1,2,3,4,5,6,7,8,9,10,11,12,13, 304.2, 304.3, 304.4, 304.5, 304.6, 304.7, 304.8, 304.9, 304.10, 304.11, 304.12, 304.13, 304.14, 304.15, 304.16, 304.17, 304.18]
- c. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 305.1, 305.2, 305.3, 305.4, 305.5, 305.6]
- d. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 306.1, 306.1.1 conditions 1,2,3,4,5,6,]
- e. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. [Sec. 308.1, 308.2, 308.2.1, 308.2.2, 308.3, 308.3.1, 308.3.2]
- f. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation. [Sec.309.1, 309.2, 309.3, 309.4, 309.5]
- g. The building must comply with the minimum criteria and conditions for light. [Sec.402.1, 402.2, 402.3]
- h. The building must comply with the minimum criteria and conditions for ventilation. [Sec.403.1, 403.2, 403.3, 403.4, 403.5]
- i. The building must comply with the minimum criteria of the provisions for required facilities. [Sec. 502.1, 502.2, 502.3, 502.4,502.4.1, 502.5]

- j. The building must comply with the minimum criteria of the provisions for toilet rooms. [Sec. 503.1, 503.2, 503.3, 503.4]
- k. The building must comply with the minimum criteria of the provisions for plumbing systems and fixtures. [Sec. 504.1, 504.2, 504.3]
- I. The building must comply with the minimum criteria of the provisions for water systems. [Sec. 505.1, 505.2, 505.3, 505.4]
- m. The building must comply with the minimum criteria of the provisions for sanitary drainage systems. [Sec.506.1, 506.2, 506.3]
- n. The building must comply with the minimum criteria of the provisions for heating facilities. [Sec. 602.2, 602.3, 602.4, 602.5]
- o. All mechanical equipment and fireplaces shall be properly installed and maintained. [Sec.603.1, 603.2, 603.3, 603.4, 603.5, 603.6]
- p. The building must comply with the minimum criteria of the provisions for electrical facilities. [Sec. 604.1,604.2, 604.3, 604.3.1, 604.3.1.1, 604.3.2, 604.3.2.1]
- q. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner. [Sec. 605.1, 605.2, 605.3]
- r. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function. [Sec. 607.1]
- s. Means of egress & Emergency escape opening A safe, continuous and unobstructed path of travel has not been provided from all points in the building or structure to the public way. [Sec. 702.1, 702.2, 702.3, 702.4]
- t. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained. [Sec. 703.1, 703.2]
- u. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times. [Sec. 704.1, 704.1.1, 704.2, 704.3, 704.4]
- v. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within (30) days from receipt of this letter. [Sec. 108.2]
- w. The repairs to the structural elements and/or service systems referred to in the previous sections must be completed within 30 days of your receipt of this letter. If, due to the scope and complexity of the work more time is needed, you must make this request to the Environmental Services Department, Code Compliance Division.

As a result of the aforementioned violations, the following action may be taken:

- a. This case is being submitted to the City Building and Standards Commission for unsafe structures proceedings. The City Building and Standards Commission will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Chapter 2.38 of the El Paso Municipal Code.
- b. By authority of Chapter 18.02.103.9.3 of the El Paso Municipal Code the electrical service at this property may be disconnected at the request of the Building Permits and Inspections Department because of Electrical Code violations.

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 54l-4800.

FOR THE DIRECTOR FOR BUILDING PERMITS AND INSPECTIONS:

Rodolfo Huerta Jr. Building Inspector

NOTICE OF PUBLIC HEARING

To all interested parties:

The owners, mortgagee, lien holders and any others with a legal interest in the property described below are hereby ordered to appear before the Building and Standards Commission, herein after referred to as the "Commission", at the following time and place:

LOCATION: El Paso Downtown Public Library, 501 N. Oregon, Auditorium, El Paso, Texas 79901

DATE: March 27, 2013

TIME: 5:30 p.m.

PROPERTY: 527 CHULA VISTA STREET, EL PASO, TEXAS also described as Lot 10, Block 3, LINDA VISTA GARDENS, an addition to the City of El Paso, El Paso County, Texas, according to plat thereof recorded in Volume 3, Page 33, of the Plat Records of El Paso County, Texas.

The Property has been determined to be substandard based upon violations of the minimum standards of the 2009 Building Codes, adopted and incorporated in the El Paso City Code, Chapter 18, more specifically addressed below.

According to the real property records of El Paso County, and other relevant public records, Pablo Zubia, 527 Chula Vista Street, El Paso, TX 79915-3002, is the owner, herein after referred to as the "Owner" of the Property. If you no longer own or have an interest in the Property, you must execute an affidavit stating that you no longer own or have an interest in the Property including the name and last known address of the person who acquired the property from you, if applicable. The affidavit must be delivered in person or by certified mail, return receipt requested, to Code Compliance Division of Environmental Services, 7969 San Paulo Drive, El Paso, Texas 79907, no later than the 20th day after the date you receive this notice. If you do not execute and deliver the affidavit, it will be presumed that you own or have an interest in the Property, even if you do not.

On or about November 19, 2012 an inspection of the Property was conducted by the Environmental Services Division and the following violations were identified:

a. All exterior property, accessory structures and premises shall be maintained in a clean, safe and sanitary condition, All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. [Sec. 302.1, 302.2, 302.3, 302.4, 302.5, 302.6, 302.7, 302.8, 302.9]

- b. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. [Sec. 304.1, 304.1.1 conditions 1,2,3,4,5,6,7,8,9,10,11,12,13, 304.2, 304.3, 304.4, 304.5, 304.6, 304.7, 304.8, 304.9, 304.10, 304.11, 304.12, 304.13, 304.14, 304.15, 304.16, 304.17, 304.18]
- c. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 305.1, 305.2, 305.3, 305.4, 305.5, 305.6]
- d. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 306.1, 306.1.1 conditions 1,2,3,4,5,6,]
- e. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. [Sec. 308.1, 308.2, 308.2.1, 308.2.2, 308.3, 308.3.1, 308.3.2]
- f. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation. [Sec.309.1, 309.2, 309.3, 309.4, 309.5]
- g. The building must comply with the minimum criteria and conditions for light. [Sec.402.1, 402.2, 402.3]
- h. The building must comply with the minimum criteria and conditions for ventilation. [Sec.403.1, 403.2, 403.3, 403.4, 403.5]
- i. The building must comply with the minimum criteria of the provisions for required facilities. [Sec. 502.1, 502.2, 502.3, 502.4,502.4.1, 502.5]
- j. The building must comply with the minimum criteria of the provisions for toilet rooms. [Sec. 503.1, 503.2, 503.3, 503.4]
- k. The building must comply with the minimum criteria of the provisions for plumbing systems and fixtures. [Sec. 504.1, 504.2, 504.3]
- 1. The building must comply with the minimum criteria of the provisions for water systems. [Sec. 505.1, 505.2, 505.3, 505.4]
- m. The building must comply with the minimum criteria of the provisions for sanitary drainage systems. [Sec. 506.1, 506.2, 506.3]
- n. The building must comply with the minimum criteria of the provisions for heating facilities. [Sec. 602.2, 602.3, 602.4, 602.5]

- o. All mechanical equipment and fireplaces shall be properly installed and maintained. [Sec.603.1, 603.2, 603.3, 603.4, 603.5, 603.6]
- p. The building must comply with the minimum criteria of the provisions for electrical facilities. [Sec. 604.1,604.2, 604.3, 604.3.1, 604.3.1.1, 604.3.2, 604.3.2.1]
- q. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner. [Sec. 605.1, 605.2, 605.3]
- r. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function. [Sec. 607.1]
- s. Means of egress & Emergency escape opening A safe, continuous and unobstructed path of travel has not been provided from all points in the building or structure to the public way. [Sec. 702.1, 702.2, 702.3, 702.4]
- t. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained. [Sec. 703.1, 703.2]
- u. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times. [Sec. 704.1, 704.1.1, 704.2, 704.3, 704.4]
- v. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within (30) days from receipt of this letter. [Sec. 108.2]

The Owner is entitled to show cause that the Property is safe, does not constitute a dangerous structure and should not be declared a nuisance and ordered abated by presenting relevant evidence and testimony. If the Owner advocates for repair, then they bear the burden of proof to demonstrate the scope of any work that may be required to bring the property into compliance with Chapter 18.50 and the time it will take to reasonably perform the work. The allowable time periods for repair are governed by Texas Local Government Code, Sections 214.001(h), (i), (j) and (k). Any document relied upon to demonstrate that the Property is safe or that it can be repaired must be presented to the Commission at the hearing, including building plans, specifications, drawings, or reports from professionals and any other relevant documentation.

If the Owner fails to comply with the order of the Commission the City may pursue one or more of the following actions:

Perform any and all work necessary to bring the property into compliance with the Commission's order;

Assess civil penalties, provided for in the Commission's order, in an amount not to exceed \$1,000 per day or \$10 per day if the Property has a homestead exemption, that will accrue interest of 10% per year until paid in full;

Appoint a receiver as permitted by state law; and

Any other remedies permitted by state law.

Commission orders may be appealed to the State District Court within 30 days of the Final order.

The Commission's authority and procedures in regard to a Dangerous Structure Hearing may be found in Chapter 2.38 of the El Paso City Code and in their duly adopted bylaws. A copy of the ordinance adopting the most current version of Chapter 2.38 is enclosed. The bylaws may be obtained at the Code Compliance Division of Environmental Services, 7969 San Paulo Drive, El Paso, Texas 79907 or by calling (915) 599-6290.

This notice will be recorded in the real property records of El Paso County and will be binding on subsequent grantees, lien holders or other transferees of an interest in the Property.

The City Clerk is ordered to provide notice of this hearing to the record owners and all other interested parties, required by law, who are listed following this notice, and file this notice in the real property records of El Paso County.

FAILURE OF THE OWNER AND/OR LIENHOLDER OR MORTGAGEE TO TAKE THE ORDERED ACTION MAY RESULT IN THE CITY TAKING THE ORDERED ACTION AND FILING A LIEN AGAINST THE PROPERTY.

The City of El Paso appreciates your cooperation and prompt attention to remedying the nuisances on the Property. Please do not hesitate to contact me should you have any additional questions, comments or concerns relative to this notice.

APPROVED AS TO FORM CONTENT John R. Batoon	APPROVED AS TO Tom Maguire, C.B.O.

I, RICHARDA DUFFY MOMSEN, City Cler certify that a true and correct copy of the foregoing	
at 527 Chula Vista Street, El Paso, Texas was PUBI	
newspaper on theday of, 2	2013.
Richard	da Duffy Momsen
I certify that a true and correct copy of the foregoing 527 Chula Vista Street was MAILED CERTIFIED-1 to:	
Pablo Zubia	
527 Chula Vista Street	
El Paso, TX 79915-3002	D 4
	Date:
	Time.
	Inspector:
I certify that a true and correct copy of the foregoing 527 Chula Vista Street was HAND-DELIVERED to	
City of El Paso	
C/O City Clerk	
#2 Civic Center Plaza	
El Paso, TX 79901	Date:
	Time:
	Inspector:
I certify that a true and correct copy of the foregoing 527 Chula Vista Street was MAILED CERTIFIED-1 to:	
Governor of the Ysleta Del Sur Pueblo Indian Tribe AKA Tigua Indian Community 119 S. Old Pueblo Road El Paso, Texas 79907	
	Date:
	Time:
	Inspector:

I certify that a true and correct copy of the for 527 Chula Vista Street was MAILED CERTITO:	
El Paso Central Appraisal District 5801 Trowbridge Ave. El Paso, Texas 79925	
	Date:
	Time:
	Inspector:
I certify that a true and correct copy of the for 527 Chula Vista Street was MAILED CERTI to:	
El Paso County Clerk, Probate Dept. 500 E. San Antonio Avenue, Suite 105 El Paso, Texas 79901	
	Date:
	Time:
	Inspector:
I certify that a true and correct copy of the for 527 Chula Vista Street was MAILED CERTI to:	
Delgado, Acosta, Spencer Linebarger, Heard & Perez, LLP Attn: Bonnie Cooper 221 N. Kansas Suite 1400 El Paso, TX 79901	
211430, 111 77701	Date:
	Time:
	Inspector:
I certify that a true and correct copy of the for 527 Chula Vista Street El Paso, Texas.	regoing Notice was POSTED at
	Date:
	Time:

Inspector:



UNSAFE STRUCTURES REPORT

CODE COMPLIANCE DIVISION

DATE OF EXAMINATION: August 10th, 2012 **REP. DISTRICT:** 3

ADDRESS: 313 N. Carolina Drive **ZONED**: R-3

LEGAL DESCRIPTION: Tract 5B, Block 19, Ysleta Grant to the City of El Paso.

El Paso County, Texas

OWNER: Manuel Ramirez **ADDRESS:** 348 Falby Ct

El Paso, Texas 79915-2822

BUILDING USE: Abandoned single family dwelling

TYPE OF CONSTRUCTION: V

FOOTINGS: N/A **CONDITION:** N/A

FOUNDATION WALL: N/A

CONDITION: N/A

FLOOR STRUCTURE: Front 75 percent dirt, rear 25 percent concrete slab on grade.

CONDITION: Poor. Concrete portion badly cracked and settled.

EXTERIOR WALLS: Front 85 percent exposed Adobe with stucco veneer, rear 15 percent CMU.

HEIGHT: 10'-12' +/-**THICKNESS**: 8"- 14" +/-

CONDITION: Poor. Stucco veneer is badly cracked and falling away, exposing the underlying

Adobe, compromising the walls and structural integrity.

INTERIOR WALLS & CEILINGS: Ceilings-non-existent, walls-plaster coating over Adobe.

CONDITION: Poor. Ceiling is non-existent, roof rafters and ceiling joists exposed, allowing entrance of natural light. Interior walls contain graffiti and are showing signs of cracking and deterioration from lack of maintenance and moisture accumulation.

ROOF STRUCTURE: Flat roof with rolled composition roof covering.

CONDITION: Poor. A registered roofing or building contractor should be hired to evaluate condition of roof system.

DOORS, WINDOWS, ETC.: Wood framed doors and windows.

CONDITION: Poor. The doors and windows are broken, deteriorated and missing hardware due to lack of maintenance.

MEANS OF EGRESS: Does not meet code requirements.

CONDITION: Poor. Windows, doors and window glass will need to be repaired or replaced to make them operational to meet minimum code requirements.

PLUMBING: Non-existent

CONDITION: N/A

ELECTRICAL: Poor

CONDITON: Exposed conduit and wires. A licensed electrical contractor should be hired to

evaluate the electrical system condition.

MECHANICAL: N/A CONDITION: N/A

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: None

WARNING POSTED: No BARRICADED: No POLICE AID REQD.: No

REMARKS: The abandoned single family dwelling was found abandoned and being used as storage by the owner. The structure is in an advanced state of disrepair and has a noticeable lean towards the front sidewalk and gas meter. The stucco veneer has fallen exposing the underlying Adobe and there are numerous large structural cracks. The ceiling system is non-existent throughout the structure and the roof is allowing the entrance of natural light. There is trash, weeds and debris throughout the property. The division recommends that the structure be demolished within thirty (30) days. That the property be cleaned of all weeds, trash and debris within thirty (30) days.

Nathan J. Walsh Building Inspector

